

May 30, 2006

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BY HAND-DELIVERY

Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

216639

Robert M. Jenkins III
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Re: Finance Docket No. 34818
City of Jersey City, et al.
Petition for Declaratory Order

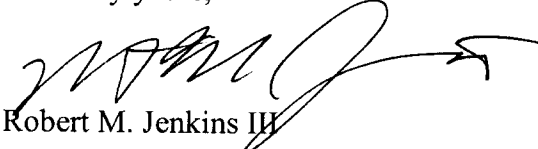
ENTERED
Office of Proceedings

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Dear Secretary Williams:

Enclosed for filing in the above-captioned proceeding are an original and ten copies of "Reply of Consolidated Rail Corporation to Petitioners' Motion for Leave to File Penn Central Track Chart." Please date-stamp the enclosed extra copy and return it to our representative.

Sincerely yours,


Robert M. Jenkins III

RMJ/bs

Enclosures

216639

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Finance Docket No. 34818

**CITY OF JERSEY CITY, RAILS TO TRAILS CONSERVANCY,
PENNSYLVANIA RAILROAD HARSIMUS STEM EMBANKMENT
PRESERVATION COALITION, AND NEW JERSEY STATE ASSEMBLYMAN
LOUIS M. MANZO—PETITION FOR DECLARATORY ORDER**

**REPLY OF
CONSOLIDATED RAIL CORPORATION
TO PETITIONERS' MOTION FOR LEAVE
TO FILE PENN CENTRAL TRACK CHART**

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Dated: May 30, 2006

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SURFACE TRANSPORTATION BOARD**

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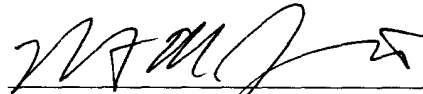
Pursuant to 49 C.F.R. § 1104.13(a), Consolidated Rail Corporation ("Conrail") replies here to the Motion for Leave to File Penn Central Track Chart on Behalf of Petitioners City of Jersey City, Rails to Trails Conservancy, Pennsylvania Railroad Harsimus Stem Embankment Preservation Coalition, and New Jersey State Assemblyman Louis M. Manzo ("Petitioners"), filed May 24, 2006. Conrail does not oppose the filing of the track chart in question; however, Conrail very much opposes Petitioners' effort to use the "Relevance" portion of its Motion as a vehicle to make additional argument in this case. The Board should strike that portion of the Motion as both out of time, in violation of the Board's scheduling order in this case (served February 8, 2006), and redundant, in violation of 49 U.S.C. § 1104.8. Alternatively, the Board should accept the following short rebuttal.

The 1975 Penn Central track chart is not different than the early Conrail track charts upon which Petitioners have mistakenly placed such reliance. Those track charts do not distinguish “lines of railroad” from ancillary property. As discussed by Conrail’s witness Robert W. Ryan in his statement filed April 24, 2006, they show the *entirety* of the property encompassed by Line Code 1420—including not only the old UNJRCC main line at the heart of Line Code 1420, but also all of the ancillary trackage. Ryan VS, ¶ 10 and Exh. E. If the inclusion of the Harsimus Cove Yard track and embankment lead on those track charts meant that that trackage necessarily constituted a “line of railroad,” then all of the other yard and ancillary trackage shown on those charts would also have to be deemed a “line of railroad.”

Moreover, the track charts themselves, including the 1975 Penn Central track chart, put the lie to Petitioners’ effort to treat the Harsimus Cove Yard track and embankment lead as the first part of a “line of railroad” running from the Hudson River westward. As Mr. Ryan explains in his statement, the track charts confirm what the valuation maps show—that station numbers, bridge numbers, and any applicable milepost numbers for this trackage all run *eastward*, from “0” at CP Waldo to .88 at Henderson Street, to 1.48 at the piers on the Hudson River. Ryan VS, ¶¶ 9-10. In contrast, the milepost designations from the old UNJRCC main line ran *westward*, from 1.0 on the Hudson River through 2.54 at CP Waldo to 7.0 near Harrison. Even Petitioners recognize that the “approximations” of milepost numbers that they attempt to assign to the embankment lead do not fit. City Petition for Declaratory Order at 9; City Opening Statement at 2 n.1. When the correct milepost numbers are used, it is readily apparent that USRA intended to use the mileposts applicable to the old UNJRCC main line to define the “line of railroad” it was transferring.

In short, the 1975 Penn Central track chart, like the other track charts already in evidence in this case, supports Conrail's position that USRA did not intend to transfer the Harsimus Cove Yard track and embankment lead as a "line of railroad."

Respectfully submitted,



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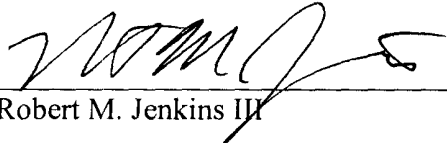
CERTIFICATE OF SERVICE

I hereby certify that on May 30, 2006, I caused a copy of the foregoing Reply to be served by hand-delivery or overnight courier on:

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